

## **REMARKS:**

Claims 82-129 were pending in the application. Claims 94-97, 115-117, 121, and 123-129 have been canceled. Claims 82-93, 98-114, 118-120, and 122 have been amended. Claims 130-138 have been added. Therefore, claims 82-93, 98-114, 118-120, 122, and 130-138 are now pending in this application.

Support for the present claim amendments and additions can be found in the originally filed specification, at least at page 9, line 32 – page 10, line 13; and page 12, lines 4-9. No new matter has been added.

## **Section 103 Rejection**

All claims pending at the time of the Office Action were rejected under 35 U.S.C. § 103(a) as being unpatentable over Burke (US Patent No 6,304,855) in view of Kerret (International Publication No. WO 01/69364). Applicant respectfully disagrees with the present rejections. However, amendments are presented herein in an effort to bring the claims to issue more rapidly. In view of the present claim amendments and the remarks below, withdrawal of the present rejections is respectfully requested.

### **Claims 82-93, 98-99, and 138**

As amended, claim 82 recites “a wireless telephony device operating in a first display mode that permits displaying images in a display area that includes a foreground display portion and a background display portion” and “in response to receiving an incoming phone call or initiating an outgoing phone call, the wireless telephony device switching from the first operating mode to a second operating mode, wherein the second operating mode does not include displaying the display area.” Amended claims 81-93, 98-99, and new claim 138 each depend from claim 82, and therefore also include these limitations.

These limitations are not taught or suggested by the cited references. For example, Burke describes a system for generating images representative of a store shelf, and Kerret describes a virtual reality shopping system. However, neither reference teaches or suggests a method using a wireless telephony device that “in response to receiving an incoming phone call or initiating an

outgoing phone call, [switches] from the first operating mode to a second operating mode, wherein the second operating mode does not include displaying the display area.” Accordingly, for at least this reason, withdrawal of the rejections of claims 82-93, 98-99.

Furthermore, for at least these same reasons, Applicant respectfully submits that new claim 138 is not taught or suggested by the cited art..

#### *Claims 100-114, 118-120, and 122*

Amended claim 100 recites a system having a processor that may execute instructions to cause the system to “operate in a first display mode in which the first image is displayed in a background portion of the display,” “in response to a selection of the first image, display a second image . . .” and “in response to a state change event,” to “store state information . . . and switch from the first operating mode to the second operating mode [in which the background portion and the foreground portion are not displayed by the system].” Claims 101-114, 118-120, and 122 each depend from claim 100, and therefore also include these limitations.

Neither Burke nor Kerret discloses or suggests these limitations. For example, neither reference teaches or suggests a system configured such that “in response to a state change event [the system may] store state information . . . and switch from the first operating mode to the second operating mode.” Accordingly, for at least this reason, withdrawal of the rejections of claims 100- 114, 118-120, and 122 is respectfully requested.

Applicant also asserts that numerous other ones of the dependent claims recite further distinctions over the cited art. However, since the independent claims have been shown to be patentably distinct, further discussion of the dependent claims is not necessary at this time.

#### *New Claims 130-137*

New claims 130-137 each recite limitations that are not taught or suggested by the cited art. For example, claim 130 recites a server having a processor configured to “stor[c] at least one of the first image and the second image sent a to receiving device” in response to a state change

event at the receiving device. Claims 131-132 depend from claim 131, and therefore contain the same limitations.

Similarly, claim 133 recites a system having means for performing the function “switching from the first operating mode to a second operating mode in which the background portion and the foreground portion are not displayed by the system,” performed “in response to the system receiving incoming communication or initiating outgoing communication.”

As another example, claim 134 recites a computer-readable medium having instructions that “in response to a state change event” may cause a device to perform a method including “storing a current state of the display; and switching from the first operating mode to a second operating mode in which the background portion and the foreground portion are not displayed.” Claims 135-137 depend from claim 134, and therefore contain the same limitations.

As a further example, claim 137 recites a wireless telephony device that “in response to an event that causes the wireless telephony device to discontinue displaying advertising images, save[s] information usable to re-display a current state of the display.”

Accordingly, Applicant respectfully submits that new claims 130-137 are not taught or suggested by the cited art.

**CONCLUSION:**

Applicant respectfully submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicant hereby petitions for such extension.

The Commissioner is authorized to charge any fees that may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 501505/6257-32202/EM.

Also filed herewith are the following items:

- ☒ Request for Continued Examination
- ☐ Information Disclosure Statement
- ☐ Notice of Change of Address
- ☐ Petition for Extension of Time
- ☐ Other:

Respectfully submitted,

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